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Attorneys for Defendants
RESTORATION HARDWARE, INC., GARY
FRIEDMAN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

EMECO INDUSTRIES, INC.

Plaintiff,

v.

RESTORATION HARDWARE, INC., GARY
FRIEDMAN, and DOES 1-10.

Defendants.

CASE NO. CV 12-05072 MMC

**PARTIES' JOINT STIPULATION AND
REQUEST TO CONTINUE HEARING ON
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION;
~~PROPOSED~~ ORDER THEREON**

1 Plaintiff Emeco Industries, Inc. ("Plaintiff"), and Defendants Restoration Hardware, Inc.
2 and Gary Friedman ("Defendants") hereby stipulate through their respective attorneys as
3 follows:

4 WHEREAS, Plaintiff filed a motion for a preliminary injunction on October 10, 2012,
5 Dkt. No. 10; Defendants filed a response to the motion for a preliminary injunction on
6 November 16, 2012, Dkt. No. 26; Plaintiff filed a reply on November 30, 2012, Dkt. Nos. 37,
7 38, 39; Defendants filed a motion for leave to file a surreply on December 7, 2012, Dkt. No. 42;
8 and Plaintiff filed a response thereto on December 10, 2012, Dkt. No. 45;

9 WHEREAS, the hearing date on Plaintiff's motion for a preliminary injunction was
10 initially set for December 14, 2012 at 9 a.m.;

11 WHEREAS, the parties filed a stipulation on December 7, 2012 to continue the hearing,
12 Dkt. No. 44;

13 WHEREAS, on December 11, 2012, the court ordered the hearing continued until
14 January 11, 2013 and reset the hearing date accordingly, Dkt. No. 46;

15 WHEREAS, the parties have entered into a binding term sheet and anticipate finalizing a
16 settlement agreement and filing a dismissal in the near future;

17 WHEREAS, the parties respectfully request that the hearing on the preliminary
18 injunction scheduled for January 11, 2013 be continued.

19 NOW THEREFORE, IT IS HEREBY STIPULATED that, subject to the Court's
20 approval:

21 1. The hearing on the preliminary injunction scheduled for January 11, 2013 shall
22 be continued.

23
24 Respectfully Submitted,
25
26
27
28

1 Dated: January 10, 2013

Dated: January 10, 2013

2
3 /s/ Jonathan H. Blavin
JONATHAN H. BLAVIN
4 Jonathan.Blavin@mtmo.com

/s/ Wesley E. Overson
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8 Attorneys for Plaintiff
9 Emeco Industries, Inc.

Attorneys for Defendants
Restoration Hardware, Inc. and Gary
Friedman

10
11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The hearing on
12 plaintiff's motion for a preliminary injunction is hereby CONTINUED to March 1, 2013.
DATED: January 10, 2013

13 
14 HONORABLE MAXINE M. CHENEY
United States District Judge

15
16 **ATTESTATION PURSUANT TO GENERAL ORDER 45 X.B.**

17 I, Jonathan H. Blavin, am the ECF User whose ID and password are being used to file this
18 Stipulation to Continue Initial Case Management Conference. In compliance with General Order
19 45, X.B., I hereby attest that Wesley E. Overson has concurred in this filing.

20
21 Dated: January 10, 2013

MUNGER, TOLLES & OLSON LLP

22 /s/ Jonathan H. Blavin
JONATHAN H. BLAVIN
23 Jonathan.Blavin@mtmo.com
24